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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,500	01/25/2002	Hakan Wolge	10625-003001	4378

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EXAMINER

CHEN, TE Y

ART UNIT PAPER NUMBER

2171

DATE MAILED: 07/23/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,500

Applicant(s)

WOLGE, HAKAN

Examiner

Susan Y Chen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

This office action is responsive to the amendment filed on 04/29/2004.

Claims 1-15 are pending for examination, claims 1, 3, and 15 have been amended.

Drawings

The drawings filed on 04/29/2004 are accepted by the examiner and is placed on record.

The examiner has conducted a telephone interview with Applicant's attorney (Mr. William N. Hughet) on July 12-13, 2004, regarding the deficiency of the arguments filed on 04/29/2004, which did not resolve the 35 USC first paragraph rejection on record and requests applicant's response. However applicant fails to resolve the problem. (For details please refers to the attached Interview Summary) Therefore, the examiner maintains the following rejection as on record.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claim 1, although applicant has attempted to incorporate substantially the entire well-known multi-dimensional cubes ad hoc model into his specification [see, page 3, lines 17-25] to thereby support claims to any combination or permutation of features therefrom, the fact that features are mentioned individually does not mean that the applicant has invented anything. There must be some evidence within the application filed that applicant was in possession of the claimed combinations. Since the invention failed to address the claimed structures and mechanisms for: 1) partitioning the extracted information on one or more selected classification variables from a database; 2) identifying all data tables have at least one value of one of the selected variables; 3) defining the metes and bounds of the claimed boundary tables and connecting tables, which are critical or essential to the practices of the invention. Hence the specification does not enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claims 2-14, these claims have the same defect as their base claim, hence are rejected for the same reasons.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, it is unclear what are the claimed “a number of variables” of data tables [at lines 2-3], “one or more selected calculation variables” [at lines 7-8] and “one or more selected classification variables” [at line 9] refer to? What are the links among these variables, data tables, boundary tables, and connecting tables? Furthermore, it is uncertain what is the benefit to have these variables in the instant invention, how do they contribute to yield a final result data structure of the mathematical function?

As to claims 2-15, these claims have the same defect as their base claim, hence are rejected for the same reasons.

Due to the ambiguity of the claims, a sufficient prior art search could not be generated. The applicant is requested to restructure the claims to comply with 37 CFR

1.75 and 35 USC 112 1st and 2nd paragraph in order to allow the examiner to determine exactly what the features applicant is claiming.

Response to Arguments

Applicant's arguments filed on 04/29/2004 have been fully considered but they are not persuasive.

In reply to the arguments under U.S. Code 112 rejections, applicant cited "at page 8, lines 30-31; page 16, lines 14-18; and in table 17 as an example of how the claimed invention partitions the information across the classification variables of "client" and "year".

As discussed in the telephone interview the examiner points out that the recited sections merely disclosed the user's selection of the classification variables: "client" and "year " and a mathematical functions, for which the result should be partitioned per client. However, there is no evidence shows that any of the partition algorithm was revealed. Also, arguments or conclusions of Applicant cannot take the place of evidence. In re Cole, 51 CCPA 919, 326F.2d 769, 140 USPQ 230 (1964). Furthermore, since applicant fails to response to the examiner's questions as cited in the telephone interview, hence, the examiner maintains the same rejections on record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2171

July 19, 2004


UYEN LE
PRIMARY EXAMINER